

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. EDCV 22-546 JGB (SPx)

Date March 23, 2023

Title *Toinesha Swim v. IC Systems, Inc.*

Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: Order (1) DISCHARGING the OSC 2 (Dkt. No. 35); and (2) CONTINUING the Date for Plaintiff to Respond to OSC 1 (Dkt. No. 34) (IN CHAMBERS)

On February 15, 2023, the Court granted Bobby C. Walker’s (“Walker”) motion to withdraw as counsel for Plaintiff Toinesha L. Swim (“Plaintiff”). (“Order,” Dkt. No. 33.) In that Order, the Court directed Mr. Walker to serve Plaintiff with a copy of the Order and to file a proof of service and/or a declaration to confirm the same no later than Friday, March 3, 2023. (See Order.) On March 7, 2023, the Court ordered Plaintiff to show cause by March 10, 2023, why her action should not be dismissed for lack of prosecution. (“OSC 1,” Dkt. No. 34.) On March 16, 2023, the Court ordered Mr. Walker to show cause why he should not be sanctioned for failing to file a proof of service and/or a declaration confirming that he served Plaintiff with a copy of the Court’s Order. (“OSC 2,” Dkt. No. 35.)

On March 16, 2023, Mr. Walker timely responded by filing a proof of service indicating that he mailed and emailed the Order to Plaintiff on March 16 and explained that he did not receive notice of the Court’s Order until March 16. (Dkt. No. 16.) On March 17, 2023, Mr. Walker informed the Court that he contacted defendant IC Systems, Inc.’s counsel, Sean P. Flynn (“Flynn”), and asked him to forward to Mr. Walker the notice of electronic filing (“notice”) for the Court’s Order. (“OSC 2 Response,” Dkt. No. 17.) The notice does not have Mr. Walker’s email on it. (Id., Ex. B.) Given that Mr. Walker did not receive notice of the Court’s Order until March 16 and he has served Plaintiff with a copy of the Court’s Order, the Court **DISCHARGES** the OSC 2.

Furthermore, given that Plaintiff did not receive the Court's Order until March 16, 2023, the Court **CONTINUES** the date for her to respond to OSC 1 from March 10, 2023, to **Friday, April 14, 2023**. By April 14, Plaintiff shall inform the Court whether she has retained new counsel or whether she will appear pro se. Failure to comply with this deadline will result in the Court dismissing this case for lack of prosecution or abandonment. See Fed. R. Civ. P. 41(b).

The clerk is ordered to substitute Plaintiff's mailing and email address as follows:

Toinesha L. Swim
237 North Palm Avenue
Hemet, California 92543
stoinesha@gmail.com

IT IS SO ORDERED.